

**ORDINANCE NO. 09-90**

ORDINANCE RENEWING THE EXCLUSIVE LICENSE TO PROVIDE, INSTALL AND MAINTAIN BUS PASSENGER BENCHES AT CITY-APPROVED SITES WITHIN CITY LIMITS TO MARTIN OUTDOOR MEDIA, INC., A FLORIDA CORPORATION, FOR AN ADDITIONAL FIVE YEARS, COMMENCING ON FEBRUARY 4, 2010 AND ENDING ON FEBRUARY 4, 2015, IN THE EXERCISE OF THE FIRST RENEWAL OPTION PROVIDED IN THE LICENSE AGREEMENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on November 23, 2004, the City of Hialeah awarded a five-year license to Martin Outdoor Media, Inc. to provide, install and maintain bus passenger benches at City-approved sites within City limits, with an option to renew for two successive five-year terms; and

**WHEREAS**, on January 4, 2005, the City of Hialeah entered into a License Agreement with Martin Outdoor Media, Inc. for five years with two successive five-year renewal options; and

**WHEREAS**, the commencement of the license was delayed 30 days until February 4, 2005 to allow Martin Outdoor Media, Inc. to remove the existing bus benches that were abandoned in poor condition by the prior licensee; and

**WHEREAS**, during the initial five-year term of the license, the bus bench company has fully complied with the terms of the license agreement and presently, maintains 487 bus benches throughout the City, including a number of benches with public service information requested by the City; and

**WHEREAS**, the City finds it in its best interest pursuant to the terms of the license agreement to exercise its first renewal option and renew the license for five additional years.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

**Section 2:** The City of Hialeah, Florida hereby renews the exclusive license to provide, install and maintain bus passenger benches at City-approved sites within City limits to Martin Outdoor Media, Inc., a Florida corporation, for an additional five years, commencing on February 4, 2010 and ending on February 4, 2015, in the exercise of the first renewal option provided in the License Agreement.

**Section 3: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 5: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6: Effective Date.**

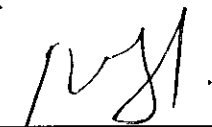
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 10th day of November, 2009.

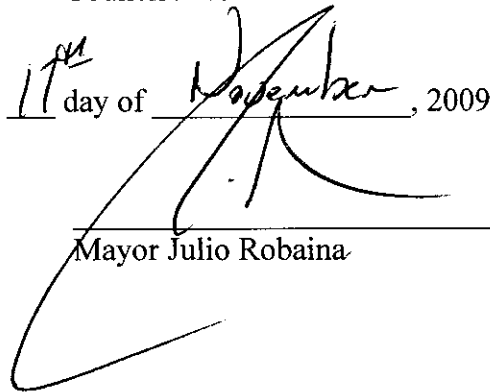
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

Attest:

Approved on this 1<sup>st</sup> day of November, 2009.

  
\_\_\_\_\_  
Rafael E. Granado, City Clerk

  
\_\_\_\_\_  
Carlos Hernandez  
Council President

  
\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".